

ADMINISTRATIVE - INTERNAL USE ONLY

Executive Registry

83-3314

28 June 1983

MEMORANDUM FOR: Deputy Director of Central Intelligence
Executive Director
Director, Intelligence Community Staff
Deputy Director for Intelligence
Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Science and Technology
Chairman, National Intelligence Council
General Counsel
Inspector General
Comptroller
Director, Equal Employment Opportunity
Director of Personnel
Director, Office of External Affairs
Administrative Officer, DCI
~~Executive Secretary~~

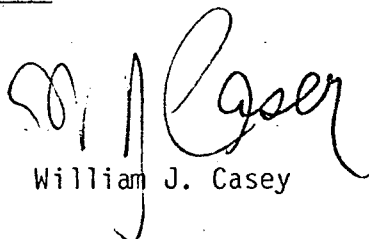
FROM : Director of Central Intelligence
SUBJECT : Temporary Delegation of Authority

1. During the absence of myself and the DDCI from 29 June 1983 through 2 July 1983, all authorities of the DCI and DDCI, including those as set forth in Tab A but excluding those reserved by law as set forth in Tab B, are delegated to [redacted] If [redacted] is unavailable to discharge these authorities and responsibilities, they are hereby delegated to the next most senior Deputy by date of appointment as Deputy Director.

STAT

2. During this period, such officer, while neither assuming the statutory office of DCI nor accruing the powers of the office, is hereby designated Acting Director.

This 29th day of June, 1983


William J. Casey

Attachments

ADMINISTRATIVE - INTERNAL USE ONLY

A

CIA Regulatory Authorities Delegated
to the Executive Director

Although not all-inclusive, the following regulatory authorities are specifically included in the attached delegation. (All existing delegations of authorities to Deputy Directors and other levels of Agency management remain in effect.)

1. Resolve regulatory policy differences between Agency coordinators and approve Agency regulations referred by the DDA except those which increase, decrease or otherwise impact on the authorities of the DCI, the latter to be approved by the DCI. [redacted]

STAT
STAT

2. In the absence of the DDCI, make final determination on appeals of Publications Review Board rulings. [redacted]

STAT
STAT

3. In the absence of the DDCI, approve exceptions to the ban on briefings of foreign media representatives. [redacted]

STAT

4. Approve exceptions to official reception and representation policy. [redacted]

STAT

5. Approve intercession with U.S. government agencies on behalf of private U.S. business organizations. [redacted]

STAT

6. In instances not clearly related to the responsibilities of any Deputy Director or Head of Independent Office, determine whether an employee may respond to a demand involving production or disclosure of testimony or information on matters concerning official Agency duties. Make final decisions on Deputy Director and Head of Independent Office disapprovals of such production or disclosure. [redacted]

STAT
STAT

7. Decide EEO complaints referred to the DCI/DDCI. [redacted]

STAT

8. In the absence of the DDCI, resolve disagreements over the release or disclosure of classified or unclassified CIA intelligence material to the Congress. [redacted]

STAT

9. Make final decision on security cases of prospective employees, assignees, contractors, interagency contacts and facility access referred to the DCI. [redacted] STAT
10. Approve use of polygraph in support of Agency operations on United States persons. [redacted] STAT
11. Approve the release of personnel security files and information therein to persons or activities outside the Agency or to Agency personnel outside the Office of Security. [redacted] STAT
12. Act on appeals of Director of Security decisions on the unacceptable risks of certain private foreign travel. [redacted] STAT
13. Make final decision on appeals of Director of Medical Services disapprovals of requests for waivers of medical requirements. [redacted] STAT
14. Grant approval to employees to enter into or continue an apparent conflict of interest if cover or operations warrant. [redacted] STAT
15. Deny retention of Agency employment after marriage to aliens. [redacted] STAT
16. Grant exception to policy on contacts with former Action members or trainees and provide related policy guidance. [redacted] STAT
17. Appoint officers as operating officials and selected Chiefs of Station. [redacted] STAT
18. Approve distribution of supergrade ceiling, grade adjustments of supergrade positions and changes in grade of personnel holding or proposed for supergrade rank. [redacted] [Note: Regulation in process of amendment to reflect new SIS structure.] STAT
19. Approve establishment of Scientific Pay Schedule (SPS) ceiling, positions, appointments and promotions. [redacted] [Note: Regulation in process of amendment to reflect replacement of SPS with SIS structure.] STAT
20. Terminate the employment of trial period personnel and decide appeals of trial period terminations. [redacted] STAT
21. Authorize substitute separation compensation to individuals. [redacted] STAT

22. Provide formal recognition for presentation of awards. [redacted] STAT
23. Approve employee awards in excess of \$5,000 but not more than \$25,000 unless operations and security considerations warrant. [redacted] STAT
24. Approve proposed nominees of Public Service Awards. [redacted] STAT
25. Grant final approval for the use of specific individuals as consultants and rates of consultant compensation. [redacted] STAT
26. Approve contracts providing for basic compensation or a fee which would exceed the maximum pay rate for a GS-15. [redacted] STAT
[redacted] STAT
27. Approve commitments to agents of compensation and benefits which if projected on an annual basis would excess \$100,000. [redacted] STAT
28. Take final action on matters in excess of \$5,000 arising from the unusual functions of the Agency when authority is not provided in Agency regulations. [redacted] STAT
[redacted]
29. Approve accommodation property transactions exceeding \$100,000 or involving unusually sensitive situation. [redacted] STAT
30. Settle shortage and overage cases, except those involving a possible violation of law, where the amount involved exceeds \$5,000. [redacted] STAT
31. Waive claims for erroneous payments of pay and allowances and settle debts to the Agency in excess of \$5,000. [redacted] STAT
32. Impose and lift "minimize" of Agency traffic. [redacted] STAT
[redacted] STAT
33. Approve commitments involving future performance or future expenditure of funds for foreign assistance. [redacted] STAT
[redacted] STAT
34. Approve requests to OMB for release of funds from the Agency reserve. [redacted] STAT

B

Authorities Not Delegated as a Matter of Law

1. The authority of the DCI to execute formal claims of states secrets privilege. (See Reynolds v. U.S., 345 U.S. 1 (1953)).
2. The authority of the DCI to execute certifications under the Foreign Intelligence Surveillance Act. (See 50 U.S.C. § 1801 and Executive Order 12139 dated 23 May 1979.)
3. Pursuant to Executive Order 12333 as currently implemented by procedures promulgated under Executive Order 12036, the authorities of the DCI or DDCI which relate to intelligence activities of the Central Intelligence Agency conducted pursuant to Attorney General guidelines and subject to review and approval of the Attorney General; such authorities include:

- Authority of DCI to request Attorney General approval of Central Intelligence Agency participation in foreign counterintelligence activities conducted in the United States (paragraph 1 of § 1-805 Procedures).
- Authority of DCI to approve Central Intelligence Agency participation in Federal Bureau of Investigation or Department of Defense counterintelligence activities conducted in the United States (paragraph 2 of § 1-805 Procedures).
- Authority of DCI to request Attorney General approval of surreptitious and continuous electronic or mechanical monitoring (paragraph 8 of § 2-203 Procedures).
- Authority of DCI to request FBI to undertake surreptitious and continuous electronic or mechanical monitoring (paragraph 17 of § 2-203 Procedures).
- Authority of DCI to request Attorney General approval of unconsented physical searches directed against United States persons abroad (paragraph 11 of § 2-204, 205 Procedures).
- Authority of DCI to request FBI to conduct a physical search (paragraph 19 of § 2-204, 205 Procedures).

Authority of DCI to approve each instance in which Agency employees have undisclosed participation in an organization within the U.S. in order to identify and develop foreign nationals as sources or contacts (paragraph 5.g of § 2-207 Procedures).

- Authority of DCI to approve categories of permissible undisclosed participation (paragraph 8 of § 2-207 Procedures).
- Authority of DCI to request Attorney General approval of other types of undisclosed participation (paragraph 11 of § 2-207 Procedures).
- Authority of DCI to request FBI to undertake electronic surveillance in the United States (paragraph A.3 of § 2-208 Procedures).
- Authority of DCI to request Attorney General approval of electronic surveillance (paragraph A.5 of § 2-208 Procedures).
- Authority of DCI to approve classes or categories of covert procurement (paragraph 6 of § 2-303 Procedures).
- Authority of DCI to request Attorney General approval to assist federal, state or local law enforcement agencies (paragraph 6 of § 2-309c Procedures).
- Authority of DCI to designate subordinates to execute various specified functions as specified in the Executive Order 12036 Procedures (See, e.g., § 2-206).
- Authority of DCI to apply for Presidential exceptions to the Executive Order 12036 Procedures.

4. Under Executive Order 12065, the authorities of the DCI which relate to the classification of documents. Such functions include:

- Authority of the DCI (or DDCI) to classify a document after receipt of a request for such document under the FOIA or Mandatory Review provisions of the Executive Order on classification. (See § 1-606 of Executive Order 12065.)
- Authority of the DCI to delegate Top Secret classification authority (See § 1-204 of Executive Order 12065.)
- Authority of DCI to extend the classification period for individual documents beyond twenty years (See § 3-401 of Executive Order 12065.)
- Authority of the DCI to create a special access programs to control particularly sensitive classified information (See § 4-201 of Executive Order 12065.)

Authorities Not Delegated as a Matter of Policy

1. The authority of the DCI to terminate employment pursuant to Section 102(c) of the National Security Act, 50 U.S.C. § 102(c);
2. The authorities of the DCI relating to procurement as prescribed by Section 3(c) of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403c;
3. The authority of the DCI relating to the entry of certain aliens as prescribed by Section 7 of the CIA Act of 1949, 50 U.S.C. § 403h;
4. The authority of the DCI relating to a certification of expenditures as prescribed by Section 8 of the CIA Act of 1949, 50 U.S.C. § 403j;
5. The authority of the DCI relating to the payment of death gratuities as prescribed by Section 11 of the CIA Act of 1949, 50 U.S.C. § 403k;
6. The authority of the DCI to accept gifts and the related authorities as prescribed by Section 12 of the CIA Act of 1949, 50 U.S.C. § 403l;
7. The authorities of the DCI conveyed by the Central Intelligence Agency Retirement Act of 1964, as amended, 50 U.S.C. § 403 Note ([redacted]);
8. The determinations by the DCI concerning persons trained in foreign espionage systems as authorized by 50 U.S.C. § 852(c) and (d);
9. The determinations by the DCI as to atomic energy information authorized by 42 U.S.C. § 2162(e);
10. The determinations by the DCI under the Atomic Weapons and Special Nuclear Materials Rewards Act as to the entry of certain aliens and payment of reward as authorized by 50 U.S.C. §§ 47c and e.
11. The determinations by the DCI under the Foreign Service Act of 1980 that the imprisonment of a foreign national resulted from his employment by the United States and that compensation is authorized by 22 U.S.C. § 3970.
12. The authority to approve regulations which increase, decrease or otherwise impact on DCI/DDCI authorities. [redacted]
13. Establish rates of pay of CIA employees. [redacted]

STAT

STAT

STAT

14. Exempt an Agency activity from audit.
15. Make final determination on employee grievances and appeals of
Directorate grievance decisions submitted directly to the DCI/DDCI.

STAT

STAT